THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.26484 of 2005

13.12.2005

BETWEEN

American School of Nursing

.....PETITIONER

AND

The Government of Andhra Pradesh, rep. By its Principal Secretary, Health, Medical & Family Welfare Department, Secretariat, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.26484 of 2005

ORDER:

The petitioner is a School of Nursing. It conducted admissions into the course of General Nursing for the current academic year. By and large, the admissions are restricted to female candidates. However, the Government of A.P., and the Director of Medical Education incorporated a condition to the effect that male candidates to the extent of 5% can also be permitted to be admitted, if female candidates are not available. This condition was subsequently relaxed by the Government itself after due consultation with the Nursing Council of India. In several writ petitions, this Court also permitted the institutions to admit male candidates over and above 5%, in case adequate female candidates are not available.

The petitioner contends that it admitted male candidates in excess of 5% and submitted list of candidates for approval to the third respondent. Its grievance is that the list is not being approved on the ground that the number of male candidates has exceeded 5%.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

The stipulation that the admission into Nursing course be given mostly to the female candidates, was not on the basis of any statutory rule. In fact, the Nursing Council of India itself clarified that in case female candidates are not available, male candidates can also be admitted. It was in this context that the limit of 5% in this regard

was also held to be not sacrosanct depending on the facts and circumstances.

If the petitioner has admitted male candidates in excess of 5%, the third respondent cannot refuse to accord approval as long as no female candidate, who approached the petitioner, was denied admission.

Hence, the writ petition is disposed of directing the third respondent to pass appropriate orders in the matter of according approval to the petitioner within a period of two weeks from the date of receipt of a copy of this order, without restricting the number of male candidates to be admitted into such course to 5%. No costs.

13.12.2005

VGB